



Dan Skopec
Acting Secretary

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT AND PETITION TO ADD A PURPOSE OF USE AND CHANGE THE PLACE OF USE

APPLICATION: 31507
DATE FILED: May 6, 2004

COUNTY: Sonoma
STREAM SYSTEM: Russian River

APPLICATION: 30429

PETITION FILED: May 6, 2004

Notice is hereby given that Jackson Family Investments II has filed an application for a water right permit and a change petition to add a purpose of use and change the place of use under Application 30429. The State Water Resources Control Board (State Water Board) will determine whether water right permits should be issued for the applications, and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Jackson Family Investments II
c/o Wagner and Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95814

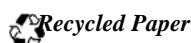
Description of Project - Application 31507

The applicant proposes to enlarge an existing 27 acre-foot reservoir (covered under Application 30429) an additional 22 acre-feet (af) for a total of 49 af. The applicant will construct a 24.9-foot high dam forming a 49 acre-foot on-stream reservoir with a surface area of four acres. Water collected to storage is used for the purposes of irrigation, frost protection, heat control and fire protection. The applicant irrigates 116 acres of vineyard. The project is located approximately six miles southeast from the City of Santa Rosa.

Summary of Application

County: Sonoma.
Source: Unnamed Stream tributary to Matanzas Creek thence Santa Rosa Creek Flood Control Channel thence Mark West Creek thence Russian River.
Point of Diversion: Located within the NW¼ of NE¼ of Section 4, T6N, R7W, MDB&M.
Amount: 22 af per year of additional storage;
Total combined storage between Application 30429 and Application 31507 shall not exceed 49 acre-feet annually (afa).

California Environmental Protection Agency



Season: November 1 through May 31 of the succeeding year for storage.

Purposes: Irrigation, Frost Protection, Heat Control, and Fire Protection.

Place of Use:

| Use Within | Section | Township | Range | B & M | If Irrigated | |
|--------------|---------|----------|-------|-------|-----------------|----------------------------|
| | | | | | Number of Acres | Presently Cultivated (Y/N) |
| SW¼ of SE¼ | 33 | 7N | 7W | MD | 3 | Y |
| SE¼ of SE¼ | 33 | 7N | 7W | MD | 10 | Y |
| SW¼ of SW¼ | 34 | 7N | 7W | MD | 2 | Y |
| SE¼ of SW¼ | 34 | 7N | 7W | MD | 1 | Y |
| NW¼ of NW¼ | 3 | 6N | 7W | MD | 27 | Partial |
| NE¼ of NW¼ | 3 | 6N | 7W | MD | 12 | Y |
| SW¼ of NW¼ | 3 | 6N | 7W | MD | 3 | Y |
| NW¼ of NE¼ | 4 | 6N | 7W | MD | 22 | Partial |
| NE¼ of NE¼ | 4 | 6N | 7W | MD | 33 | Partial |
| SE¼ of NE¼ | 4 | 6N | 7W | MD | 3 | Y |
| TOTAL | | | | | 116 | |

PETITION TO ADD A PURPOSE OF USE AND TO CHANGE THE PLACE OF USE

APPLICATION: 30429

PETITION FILED: May 6, 2004

Description of Project

The applicant filed for a right to continue to store 27 afa in an on-stream reservoir from November 1 through May 31 of the succeeding year for the purposes of irrigation and frost protection. The application was noticed on September 22, 1995 and one protest remains outstanding that was filed by Trout Unlimited of California. The change petition was filed to reflect how the project is being operated

Summary of Application 30429

County: Sonoma.

Source: Unnamed Stream tributary to Matanzas Creek thence Santa Rosa Creek thence Laguna de Santa Rosa thence Mark West Creek thence Russian River.

Point of

Diversion: Located within the NW¼ of NE¼ of Section 4, T6N, R7W, MDB&M.

Amount: 27 af per year of storage.

Season: November 1 to May 31 of the succeeding year for storage.

Purpose: Irrigation and Frost Protection.

Place of Use:

| Use Within | Section | Township | Range | B & M | If Irrigated | |
|--------------|---------|----------|-------|-------|-----------------|----------------------------|
| | | | | | Number of Acres | Presently Cultivated (Y/N) |
| SW¼ of SE¼ | 33 | 7N | 7W | MD | 15 | Y |
| SE¼ of SE¼ | 33 | 7N | 7W | MD | 10 | Y |
| SW¼ of SW¼ | 34 | 7N | 7W | MD | 5 | Y |
| NW¼ of NE¼ | 4 | 6N | 7W | MD | 30 | Y |
| NE¼ of NE¼ | 4 | 6N | 7W | MD | 30 | Y |
| TOTAL | | | | | 90 | |

Petition Summary for Application 30429

The applicant filed a change petition to add heat control as a purpose of use and increase the place of use from 90 acres to 116 acres to accurately reflect how the project is being operated. The correct place of use is described under Application 31507.

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the

purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such

rights. If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must **be received by the Division by 3:00 p.m. on August 30, 2006** (40 days after the date of this notice). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2nd Floor (File Room), Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 af or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: JULY 21, 2006

PJMeroney:pjm:/dclledesma:1-23-05//3-16-06//3-27-06//5-16-06
U:\PERDRV\PJMeroney\31507 & 30429 APP-NOT pet chG (11-21-05).DOC